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**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. R-2022

DAVID RICHARD CAMPBELL
2503 Joshua Hills Drive
Palmdale, California 93535

A C C U S A T I O N

Respiratory Care Practitioner License No. 6915

Respondent.

Complainant alleges:

PARTIES

1. Stephanie Nunez (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Respiratory Care Board of California ("Board").

2. On or about July 19, 1985, the Board issued Respiratory Care Practitioner License Number 6915 to David Richard Campbell (Respondent). This Respiratory Care Practitioner's License was in full force and effect at all times relevant to the charges brought herein and will expire, unless renewed, on May 31, 2007.

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

1 4. Section 3750 of the Code states:

2 “The board may order the denial, suspension or revocation of, or the imposition of
3 probationary conditions upon, a license issued under this chapter, for any of the following
4 causes:

5 “(j) The commission of any fraudulent, dishonest, or corrupt act which is
6 substantially related to the qualifications, functions, or duties of a respiratory care
7 practitioner.”

8 5. Section 3752.6 of the Code states:

9 “For purposes of Division 1.5 (commencing with Section 475), and this chapter
10 [the Respiratory Care Practice Act], a crime involving sexual misconduct or attempted
11 sexual misconduct, whether or not with a patient, shall be considered a crime substantially
12 related to the qualifications, functions, or duties of a respiratory care practitioner.”

13 6. Section 3753.5, subdivision (a) of the Code states:

14 “In any order issued in resolution of a disciplinary proceeding before the board, the
15 board or the administrative law judge may direct any practitioner or applicant found to
16 have committed a violation or violations of law to pay to the board a sum not to exceed the
17 costs of the investigation and prosecution of the case. A certified copy of the actual costs,
18 or a good faith estimate of costs where actual costs are not available, signed by the official
19 custodian of the record or his or her designated representative shall be prima facie evidence
20 of the actual costs of the investigation and prosecution of the case.”

21 7. Section 3753.1 of the Code states:

22 “(a) An administrative disciplinary decision imposing terms of probation may include,
23 among other things, a requirement that the licensee-probationer pay the monetary costs associated with
24 monitoring the probation.

25 8. Section 3753.7 of the Code provides that for purposes of the Respiratory
26 Care Practice Act, costs of prosecution shall include attorney general or other prosecuting attorney
27 fees, expert witness fees, and other administrative, filing, and service fees.

28 CAUSE FOR DISCIPLINE

(Dishonest or Corrupt Act)

9. Respondent is subject to disciplinary action under sections 3750, subdivision (j), and 3752.6 of the Business and Professions Code in that he committed corrupt acts, to wit, attempting to sexually molest a 16 year old male. The circumstances are as follows:

A. On March 3, 2006, Deputy Sheriff Barlett received a call from his 16 year-old male family member, the victim in this case, to see if he could pick him up from school. Deputy Barlett told the victim to meet him in the parking lot at the local hardware store. When the deputy pulled up to the store, he saw Respondent talking to the victim, then Respondent walked away.

B. Respondent asked the victim if he had marijuana he could sell him. The victim said no. Respondent talked with the victim and gave him his cell phone number and left.

C. Deputy Bartlett then contacted Deputy Sheriff Metten regarding Respondent. The two deputies went into the hardware store to try and find Respondent but could not find him. They asked the victim if he would not mind calling the Respondent on the phone.

D. The victim called Respondent on the phone, and put it on the "speaker" feature so both deputies could hear the entire conversation. When Respondent heard the victim's voice, Respondent asked him about marijuana again. The victim said he did not have any. Then Respondent asked the victim if he wanted to "hang out" and the victim asked what he meant by that. Respondent said he would pick the victim up and take him back to his house and they could smoke marijuana. The victim said he was not comfortable with that.

E. Then Respondent asked the victim if he was interested in "doing anything else". When the victim asked, "like what", Respondent said "well you know, sex." The victim asked again what he meant and Respondent asked, "have you ever had a blow job?" and the victim said "yes." Respondent asked, "do you cum often?", and the victim said, "once in awhile." Respondent asked, "would you be interested in letting me suck your dick for you?", and the victim responded, "I don't do things for free." Respondent offered to pay the victim one hundred dollars and the victim agreed. They decided to meet at a local restaurant.

F. After about 10 minutes, Respondent had not shown up so the victim called him

1 again. Respondent said he was on his way. Within a few minutes, Respondent drove into the
2 designated parking lot looking for the victim. One of the deputies walked up to the
3 Respondent's car, and immediately arrested him for annoying a child and attempted oral
4 copulation. The officer searched Respondent and found a glass smoking pipe, a folding knife
5 and money. When Respondent's car was searched, the officers found a butcher's knife, two
6 yellow surgical gowns, gloves, braided rope, lubricating jelly, two large pairs of scissors, a pair
7 of binoculars, a blanket, and a plastic baggie containing a substance which appeared to be
8 marijuana.

9 G. During a police interview of Respondent, he claimed that the victim tried to sell
10 him marijuana, he denied giving the victim his cell phone number, then claimed the victim asked
11 Respondent to suck his penis.

12 H. The District Attorney for the County of Ventura filed criminal charges against
13 Respondent in the case of the People of the State of California vs. David Richard Campbell,
14 Case No. MA034720 alleging violations of Penal Code sections 647.6(A), annoying or
15 molesting a child, and 288A(B)(1), oral copulation with a person under the age of 18, which
16 are currently pending.

17
18 PRAYER

19 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein
20 alleged, and that following the hearing, the Respiratory Care Board issue a decision:

21 1. Revoking or suspending Respiratory Care Practitioner License Number
22 6915, issued to David Richard Campbell.

23 2. Ordering David Richard Campbell to pay the Respiratory Care Board the
24 costs of the investigation and enforcement of this case, and if placed on probation, the costs of
25 probation monitoring;

26 3. Taking such other and further action as deemed necessary and proper.

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28 DATED: May 8, 2006

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Original signed by Liane Zimmerman for:
STÉPHANIE NÚNEZ
Executive Officer
Respiratory Care Board of California
Department of Consumer Affairs
State of California
Complainant